

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
MCKEON OF CALIFORNIA, OR HIS DESIGNEE,
DEBATABLE FOR 10 MINUTES:

**AMENDMENT TO H.R. 1261, AS REPORTED
OFFERED BY MR. McKEON**

15
Reise

Page 6, strike lines 18 through 21 and insert the following:

1 “(III) if not included under subclause
2 (I), the director of the State unit, defined
3 in section 7(8)(B) of the Rehabilitation
4 Act of 1973 (29 U.S.C. 705(8)(B)) except
5 that in a State that has established 2 or
6 more designated State units to administer
7 the vocational rehabilitation program, the
8 board representative shall be the director
9 of the designated State unit that serves the
10 most individuals with disabilities in the
11 State;

Page 15, line 14, strike “(a) ONE-STOP PART-
NERS.—” and all that follows through page 16, line 12,
and insert the following:

12 (a) ONE-STOP PARTNERS.—
13 (1) REQUIRED PARTNERS.—Section 121(b)(1)
14 (29 U.S.C. 2841(b)(1)) is amended—
15 (A) in subparagraph (B)—
16 (i) by striking clauses (ii) and (v)



1 (ii) by redesignating clauses (iii) and
2 (iv) as clauses (ii) and (iii), respectively,
3 and by redesignating clauses (vi) through
4 (xii) as clauses (iv) through (x), respec-
5 tively;

6 (iii) in clause (ix) (as so redesign-
7 nated), by striking "and";

8 (iv) in clause (x) (as so redesignated),
9 by striking the period and inserting "
10 and"; and

11 (v) by inserting after clause (x)(as so
12 redesignated) the following:

13 "(xi) programs authorized under part
14 A of title IV of the Social Security Act (42
15 U.S.C. 601 et. seq.), subject to subpara-
16 graph (C)."; and

17 (B) by adding after subparagraph (B) the
18 following:

19 "(C) DETERMINATION BY THE GOV-
20 ERNOR.—The program referred to in clauses
21 (xi) of subparagraph (B) shall be included as a
22 required partner for purposes of this title in a
23 State unless the Governor of the State notifies
24 the Secretary and the Secretary of Health and
25 Human Services in writing of a determination



1 by the Governor not to include such programs
2 as required partners for purposes of this title in
3 the State.”.

4 (2) ADDITIONAL PARTNERS.—Section
5 121(b)(2)(B) (29 U.S.C. 2841(b)(2)(B)) is
6 amended—

7 (A) by striking clause (i) and redesignating
8 clauses (ii) through (v) as clauses (i) through
9 (iv) respectively;

10 (B) in clause (iii) (as so redesignated) by
11 striking “and” at the end;

12 (C) in clause (iv) (as so redesignated) by
13 striking the period and inserting a semicolon;
14 and

15 (D) by adding at the end the following new
16 clauses:

17 “(v) employment and training pro-
18 grams administered by the Social Security
19 Administration, including the Ticket to
20 Work program (established by Public Law
21 106–170);

22 “(vi) programs under part D of title
23 IV of the Social Security Act (42 U.S.C.
24 451 et seq.) (relating to child support en-
25 forcement); and



1 “(vii) programs carried out in the
2 local area for individuals with disabilities,
3 including programs carried out by State
4 agencies relating to mental health, mental
5 retardation, and developmental disabilities,
6 State Medicaid agencies, State Inde-
7 pendent Living Councils, and Independent
8 Living Centers.”.

Page 24, strike lines 2 and 3 and insert the fol-
lowing:

9 Section 123 is amended to read as follows:

10 **“SEC. 123. ELIGIBLE PROVIDERS OF YOUTH ACTIVITIES.**

11 “(a) IN GENERAL.—From the funds allocated under
12 section 128(b) to a local area, the local board for such
13 area shall award grants or contracts on a competitive basis
14 to providers of youth activities identified based on the cri-
15 teria in the State plan and shall conduct oversight with
16 respect to such providers.

17 “(b) EXCEPTIONS.—A local board may award grants
18 or contracts on a sole-source basis if such board deter-
19 mines there are an insufficient number of eligible pro-
20 viders of training services in the local area involved (such
21 as rural areas) for grants to be awarded on a competitive
22 basis under subsection (a).



Page 25, line 10, strike “(C) STATES.—” and all that follows through page 26, line 9, and insert the following:

1 “(C) STATES.—

2 “(i) IN GENERAL.—Of the remainder
3 of the amount appropriated under section
4 137(a) for a fiscal year that is available
5 after determining the amounts to be re-
6 served under subparagraphs (A) and (B),
7 the Secretary shall allot—

8 “(I) the amount of the remainder
9 that is less than or equal to the total
10 amount that was allotted to States for
11 fiscal year 2003 under section
12 127(b)(1)(C) of this Act (as in effect
13 on the day before the date of enact-
14 ment of the Workforce Reinvestment
15 and Adult Education Act of 2003) in
16 accordance with the requirements of
17 such section 127(b)(1)(C); and

18 “(II) the amount of the remain-
19 der, if any, in excess of the amount
20 referred to in subclause (I) in accord-
21 ance with clause (ii).



1 “(ii) FORMULAS FOR EXCESS
2 FUNDS.—Subject to clauses (iii) and (iv),
3 of the amounts described in clause
4 (i)(II)—

5 “(I) 33 and $\frac{1}{3}$ percent shall be
6 allotted on the basis of the relative
7 number of individuals in the civilian
8 labor force who are ages 16–19 in
9 each State, compared to the total
10 number of individuals in the civilian
11 labor force who are ages 16–19 in all
12 States;

13 “(II) 33 and $\frac{1}{3}$ percent shall be
14 allotted on the basis of the relative
15 number of unemployed individuals in
16 each State, compared to the total
17 number of unemployed individuals in
18 all States; and”; and

Page 26, line 13, strike “the” and insert “each”.

Page 28, strike lines 1 through 10.

Page 28, line 11, strike “formula” and insert “for-
mulas”.



Page 28, strike lines 17 through 21.

Page 31, strike lines 14 through page 32, line 2,
and insert the following:

1 “(i) 33 and $\frac{1}{3}$ percent shall be allot-
2 ted on the basis of the relative number of
3 individuals in the civilian labor force who
4 are ages 16–19 in each local area, com-
5 pared to the total number of individuals in
6 the civilian labor force who are ages 16–19
7 in all local areas in the State;

8 “(ii) 33 and $\frac{1}{3}$ percent shall be allot-
9 ted on the basis of the relative number of
10 unemployed individuals in each local area,
11 compared to the total number of unem-
12 ployed individuals in all local areas in the
13 State; and;” and

Page 33, strike lines 7 through 10, and insert the
following:

14 “(ii) DISADVANTAGED YOUTH.—The
15 term ‘disadvantaged youth’ means an indi-
16 vidual who is age 16 through 21 who re-
17 ceived an income, or is a member of a fam-
18 ily that received a total family income,



1 that, in relation to family size, does not ex-
2 ceed the poverty line.”.

Page 36, line 11, insert “who are deficient in basic skills” after “disabilities”).

Page 44, line 1, strike “(b) ALLOTMENT” and all that follows through page 47, line 14 and insert the following:

3 “(b) ALLOTMENT AMONG STATES FOR ADULT EM-
4 PLOYMENT AND TRAINING ACTIVITIES.—

5 “(1) RESERVATION FOR OUTLYING AREAS.—

6 From the amount made available under subsection
7 (a)(2) for a fiscal year, the Secretary shall reserve
8 not more than $\frac{1}{4}$ of 1 percent to provide assistance
9 to outlying areas to carry out employment and train-
10 ing activities for adults and statewide workforce in-
11 vestment activities.

12 “(2) STATES.—Subject to paragraph (5), of the
13 remainder of the amount referred to under sub-
14 section (a)(2) for a fiscal year that is available after
15 determining the amount to be reserved under para-
16 graph (1), the Secretary shall allot to the States for
17 employment and training activities for adults and for
18 statewide workforce investment activities—



1 “(A) 26 percent in accordance with para-
2 graph (3); and

3 “(B) 74 percent in accordance with para-
4 graph (4)

5 “(3) BASE FORMULA.—

6 “(A) FISCAL YEAR 2004.—

7 “(i) IN GENERAL.—Subject to clause
8 (ii), the amount referred to in paragraph
9 (2)(A) shall be allotted for fiscal year 2004
10 on the basis of allotment percentage of
11 each State under section 6 of the Wagner-
12 Peyser Act for fiscal year 2003.

13 “(ii) EXCESS AMOUNTS.—If the
14 amount referred to in paragraph (2)(A) for
15 fiscal year 2004 exceeds the amount that
16 was available for allotment to the States
17 under the Wagner-Peyser Act for fiscal
18 year 2003, such excess amount shall be al-
19 lotted on the basis of the relative number
20 of individuals in the civilian labor force in
21 each State, compared to the total number
22 of individuals in the civilian labor force in
23 all States, adjusted to ensure that no State
24 receives less than $\frac{3}{10}$ of one percent of
25 such excess amount.



1 “(iii) DEFINITION.—For purposes of
2 this subparagraph, the term ‘allotment
3 percentage’ means the percentage of the
4 amounts allotted to States under section 6
5 of the Wagner-Peyser Act that is received
6 by the State involved for fiscal year 2003.

7 “(B) FISCAL YEARS 2005 AND THERE-
8 AFTER.—

9 “(i) IN GENERAL.—Subject to
10 clause(ii), the amount referred to in para-
11 graph(2)(A) shall be allotted for fiscal year
12 2005 and each fiscal year thereafter on the
13 basis of the allotment percentage of each
14 State under this paragraph for the pre-
15 ceding fiscal year.

16 “(ii) EXCESS AMOUNTS.—If the
17 amount referred to in paragraph (2)(A) for
18 fiscal year 2005 or any fiscal year there-
19 after exceeds the amount that was avail-
20 able for allotment under this paragraph for
21 the prior fiscal year, such excess amount
22 shall be allotted on the basis of the relative
23 number of individuals in the civilian labor
24 force in each State, compared to the total
25 number of individuals in the civilian labor



1 force in all States, adjusted to ensure that
2 no State receives less than $\frac{3}{10}$ of one per-
3 cent of such excess amount.

4 “(iii) DEFINITION.—For purposes of
5 this subparagraph, the term ‘allotment
6 percentage’ means the percentage of the
7 amounts allotted to States under this para-
8 graph in a fiscal year that is received by
9 the State involved for such fiscal year.

10 “(4) CONSOLIDATED FORMULA.—

11 “(A) IN GENERAL.—Subject to subpara-
12 graphs (B) and (C), of the amount referred to
13 in paragraph (2)(B)—

14 “(i) 60 percent shall be allotted on the
15 basis of the relative number of unemployed
16 individuals in each State, compared to the
17 total number of unemployed individuals in
18 all States;

19 “(ii) 25 percent shall be allotted on
20 the basis of the relative excess number of
21 unemployed individuals in each State, com-
22 pared to the total excess number of unem-
23 ployed individuals in all States; and

24 “(iii) 15 percent shall be allotted on
25 the basis of the relative number of dis-



1 advantaged adults in each State, compared
2 to the total number of disadvantaged
3 adults in all States.

4 “(B) MINIMUM AND MAXIMUM PERCENT-
5 AGES.—

6 “(i) MINIMUM PERCENTAGE.—The
7 Secretary shall ensure that no State shall
8 receive an allotment under this paragraph
9 for a fiscal year that is less than 90 per-
10 cent of the allotment percentage of the
11 State under this paragraph for the pre-
12 ceding fiscal year.

13 “(ii) MAXIMUM PERCENTAGE.—Sub-
14 ject to clause (i), the Secretary shall en-
15 sure that no State shall receive an allot-
16 ment for a fiscal year under this para-
17 graph that is more than 130 percent of the
18 allotment of the State under this para-
19 graph for the preceding fiscal year.

20 “(C) SMALL STATE MINIMUM ALLOT-
21 MENT.—Subject to subparagraph (B), the Sec-
22 retary shall ensure that no State shall receive
23 an allotment under this paragraph that is less
24 than $\frac{2}{10}$ of 1 percent of the amount available
25 under subparagraph (A).



1 “(D) DEFINITIONS.—For the purposes of
2 this paragraph:

3 “(i) ALLOTMENT PERCENTAGE.—The
4 term ‘allotment percentage’, used with re-
5 spect to fiscal year 2004 or a subsequent
6 fiscal year, means a percentage of the
7 amounts described in paragraph (2)(B)
8 that is received through an allotment made
9 under this paragraph for the fiscal year.
10 The term, with respect to fiscal year 2003,
11 means the percentage of the amounts allot-
12 ted to States under this chapter (as in ef-
13 fect on the day before the date of enact-
14 ment of the Workforce Reinvestment and
15 Adult Education Act of 2003) and under
16 reemployment service grants received by
17 the State involved for fiscal year 2003.

18 “(ii) DISADVANTAGED ADULT.—The
19 term ‘disadvantaged adult’ means an indi-
20 vidual who is age 22 through 72 who re-
21 ceived an income, or is a member of a fam-
22 ily that received a total family income,
23 that, in relation to family size, does not ex-
24 ceed the poverty line.



1 “(iii) EXCESS NUMBER.—The term
2 ‘excess number’ means, used with respect
3 to the excess number of unemployed indi-
4 viduals within a State, the number that
5 represents the number of unemployed indi-
6 viduals in excess of 4 and 1/2 percent of the
7 civilian labor force in the State.

8 “(5) ADJUSTMENTS IN ALLOTMENTS BASED ON
9 DIFFERENCES WITH UNCONSOLIDATED FOR-
10 MULAS.—

11 “(A) IN GENERAL.—The Secretary shall
12 ensure that for any fiscal year no State has an
13 allotment difference, as defined in subpara-
14 graph (C), that is less than zero. The Secretary
15 shall adjust the amounts allotted to the States
16 under this subsection in accordance with sub-
17 paragraph (B) if necessary to carry out this
18 subparagraph..

19 “(B) ADJUSTMENTS IN ALLOTMENTS.—

20 “(i) REDISTRIBUTION OF EXCESS
21 AMOUNTS.—

22 “(I) IN GENERAL.—If necessary
23 to carry out subparagraph (A), the
24 Secretary shall reduce the amounts
25 that would be allotted under para-



1 graphs (3) and (4) to States that have
2 an excess allotment difference, as de-
3 fined in subclause (II), by the amount
4 of such excess, and use such amounts
5 to increase the allotments to States
6 that have an allotment difference less
7 than zero.

8 “(II) EXCESS AMOUNTS.—For
9 purposes of subclause (I), the term
10 ‘excess’ allotment difference means an
11 allotment difference for a State that
12 is—

13 “(aa) in excess of 3 percent
14 of the amount described in sub-
15 paragraph (C)(i)(II); or

16 “(bb) in excess of a percent-
17 age established by the Secretary
18 that is greater than 3 percent of
19 the amount described in subpara-
20 graph (C)(i)(II) if the Secretary
21 determines that such greater per-
22 centage is sufficient to carry out
23 subparagraph (A).

24 “(ii) USE OF AMOUNTS AVAILABLE
25 UNDER NATIONAL RESERVE ACCOUNT.—If



1 the funds available under clause (i) are in-
2 sufficient to carry out subparagraph (A),
3 the Secretary shall use funds reserved
4 under section 132(a) in such amounts as
5 are necessary to increase the allotments to
6 States to meet the requirements of sub-
7 paragraph (A). Such funds shall be used in
8 the same manner as the States use the
9 other funds allotted under this subsection.

10 “(C) DEFINITION OF ALLOTMENT DIF-
11 FERENCE.—

12 “(i) IN GENERAL.—For purposes of
13 this paragraph, the term ‘allotment dif-
14 ference’ means the difference between—

15 “(I) the total amount a State
16 would receive of the amounts available
17 for allotment under subsection (b)(2)
18 for a fiscal year pursuant to para-
19 graphs (3) and (4); and

20 “(II) the total amount the State
21 would receive of the amounts available
22 for allotment under subsection (b)(2)
23 for the fiscal year if such amounts
24 were allotted pursuant to the uncon-
25 solidated formulas (applied as de-



1 scribed in clause (iii)) that were used
2 in allotting funds for fiscal year 2003.

3 “(ii) UNCONSOLIDATED FORMULAS.—
4 For purposes of clause (i), the unconsoli-
5 dated formulas are:

6 “(I) The requirements for the al-
7 lotment of funds to the States con-
8 tained in section 132(b)(1)(B) of this
9 Act (as in effect on the day before the
10 date of enactment of the Workforce
11 Reinvestment and Adult Education
12 Act of 2003) that were applicable to
13 the allotment of funds under such sec-
14 tion for fiscal year 2003.

15 “(II) The requirements for the
16 allotment of funds to the States con-
17 tained in section 132(b)(2)(B) of this
18 Act (as in effect on the day before the
19 date of enactment of the Workforce
20 Reinvestment and Adult Education
21 Act of 2003) that were applicable to
22 the allotment of funds under such sec-
23 tion for fiscal year 2003.

24 “(III) The requirements for the
25 allotment of funds to the States that



1 were contained in section 6 of the
2 Wagner-Peyser Act (as in effect on
3 the day before the date of enactment
4 of the Workforce Reinvestment and
5 Adult Education Act of 2003) that
6 were applicable to the allotment of
7 funds under such Act for fiscal year
8 2003.

9 “(IV) The requirements for the
10 allotment of funds to the States that
11 were established by the Secretary for
12 Reemployment Services Grants that
13 were applicable to the allotment of
14 funds for such grants for fiscal year
15 2003.

16 “(iii) PROPORTIONATE APPLICATION
17 OF UNCONSOLIDATED FORMULAS BASED
18 ON FISCAL YEAR 2003.—In calculating the
19 amount under clause (i)(II), each of the
20 unconsolidated formulas identified in
21 clause (ii) shall be applied, respectively,
22 only to the proportionate share of the total
23 amount of funds available for allotment
24 under subsection (b)(2) for a fiscal year
25 that is equal to the proportionate share to



1 which each of the unconsolidated formulas
2 applied with respect to the total amount of
3 funds allotted to the States under all of
4 the unconsolidated formulas in fiscal year
5 2003.

6 “(iv) RULE OF CONSTRUCTION.—The
7 amounts used to adjust the allotments to a
8 State under subparagraph (B) for a fiscal
9 year shall not be included in the calcula-
10 tion of the amounts under clause (i) for a
11 subsequent fiscal year, including the cal-
12 culation of allocation percentages for a
13 preceding fiscal year applicable to para-
14 graphs (3) and (4) and to the unconsoli-
15 dated formulas described in clause (ii).”.

Page 50, line 1, strike “15 percent” and insert “25 percent”.

Page 50, line 5, insert “and” after the semicolon;

Page 50, strike lines 6 through 11.

Page 50, line 12, strike “(iv) 10 percent” and insert “(iii) 15 percent”.

Page 61, line 3, strike “and”.

Page 61, line 5, insert “and” after “employers;”.

Page 61, after line 5, insert the following:

- 1 “(iii) reemployment services provided
- 2 to unemployment claimants.”.

Page 77, line 22, strike “\$1,001,000,000” and insert “\$1,250,000,000”.

Page 80, strike lines 4 through 14 (and redesignate subsection (b) and (c) of section 116 as subsections (a) and (b) respectively).

Page 80, after line 22, insert the following:

- 3 (d) MIGRANT AND SEASONAL FARMWORKER PRO-
- 4 GRAMS.—Section 167(d) is amended by inserting “(includ-
- 5 ing permanent housing)” after “housing”.

Page 91, line 20, strike “recipients” and insert “a recipient”.

Page 108, beginning at line 24, strike “the English language and math, and English language acquisition” and insert “the English language and basic math,”.

Page 126, line 25, strike “DEFINITION OF CRIMINAL OFFENDER.—” and insert “DEFINITIONS.—”.



Page 128, line 7, strike “, including essential workplace skills”.

Page 128, line 12, strike “family” and insert “Family”.

Page 129, line 16, strike the period and insert a semicolon.

Page 129, line 17, strike “whether or not”.

Page 129, line 24; page 130, lines 1, 4, 8, 10, 17, and 22; and page 131, lines 3, 10, and 14, strike the term “whether” each place such term appears.

Page 130, line 5, insert “when appropriate and scientifically based,” after “real-life contexts,”.

Page 131, line 15, strike “is of” and insert “are of”.

Page 131, after line 18, insert the following:

1 “(e) SPECIAL RULE.—Eligible providers may use
2 grant funds under this title to serve children participating
3 in family literacy programs assisted under this part, provided that other sources of funds available to provide similar services for such children are used first.

Page 140, strike lines 8 through 15 and insert the following:



1 (a) IN GENERAL.—There is established the National
2 Institute for Literacy. The Institute shall be administered,
3 in accordance with this part, under the supervision and
4 direction of a Director. There shall be an agreement be-
5 tween an Interagency Group (comprised of the Secretary
6 of Education, the Secretary of Labor, and the Secretary
7 of Health and Human Services) and the Institute on how
8 the purposes of the Institute may be achieved effectively.
9 Such agreement—

10 (1) shall be regularly reviewed, and modified as
11 needed to remain current with any changes in the
12 purposes of the Institute; and

13 (2) shall be updated no later than 1 year after
14 the enactment of this part.

Page 140, lines 17 through 19, strike “The Board
(established under section 216 of this part), in consulta-
tion with the Secretary of Education,” and insert “The
Interagency Group”.

Page 140, line 23, insert “If a vacancy in the posi-
tion of the Director of the Institute occurs, the Inter-
agency Group shall appoint an Interim Director until
such time as a new Director can be appointed.” after
“and adults.”.



Page 141, lines 5 and 6, strike “, if approved by the Board,”.

Page 141, beginning at line 8, strike all of section 213 and insert the following:

1 **SEC. 213. ADMINISTRATION.**

2 (a) IN GENERAL.—The Director of the Institute shall
3 be responsible for administering the Institute. The Direc-
4 tor of the Institute shall—

5 (1) provide leadership for the Institute, con-
6 sistent with the purposes described in section
7 211(b);

8 (2) supervise all employees in the Institute;

9 (3) assign responsibility to carry out the duties
10 of the Institute among officers ad employees, and of-
11 fices of the Institute;

12 (4) prepare requests for appropriations for the
13 Institute and submit those requests to the Inter-
14 agency Group;

15 (5) oversee the expenditure of all funds allo-
16 cated for the Institute to carry out the purposes
17 under section 211(b); and

18 (6) ensure that the Institute’s standards for re-
19 search quality are consistent with those promulgated
20 by the Institute for Education Sciences.



1 (b) OFFICES.—The Institute shall have separate of-
2 fices from the Department of Education, the Department
3 of Labor, and the Department of Health and Human
4 Services, and shall have maximum flexibility in its oper-
5 ations to carry out the purposes of the Institute.

6 (c) ADMINISTRATIVE SUPPORT.—The Secretary of
7 Education shall provide administrative support for the In-
8 stitute, including the administration of grants, contracts
9 and cooperative agreements, personnel, legal counsel, and
10 payroll.

Page 144, line 5, insert “Director of the” before
“Institute”.

Page 144, line 17, strike “, when requested, policy
and”.

Page 145, after line 23, insert the following (and
make such conforming changes as are necessary):

11 (8) develop an Internet site that provides useful
12 information to educators and the public on reading
13 literacy that is consistent with the purposes de-
14 scribed in section 211(b).

Page 146, lines 14 through 17, strike “The Insti-
tute, in consultation with the Board, may award fellow-
ships, with such stipends and allowances as the Director
of the Institute considers necessary,” and insert “The Di-



rector of the Institute may award fellowships, with such stipends and allowances as necessary.”.

Page 147, lines 3 and 4, strike “The Institute, in consultation with the Board,” and insert “The Director of the Institute”.

Page 148, line 16, strike “work closely with” and insert “provide advice to”.

Page 148, strike lines 20 through 24 (and make such conforming changes as are necessary).

Page 150, lines 10 and 11, strike “The Board, in consultation with the Director of the Institute,” and insert “The Director of the Institute”.

Page 151, line 18, strike “Labor and Human Resources” and insert “Health, Education, Labor, and Pensions”.

Page 152, after line 12, insert the following (and make such conforming changes as are necessary):

- 1 (3) the term “Interagency Group” means the
- 2 Secretary of Education, the Secretary of Labor, and
- 3 the Secretary of Health and Human Services;
- 4 (4) the term “literacy” means the ability to
- 5 read, write, and speak the English language with
- 6 competence, knowledge, and comprehension; and



Page 153, line 4, insert "the administration of"
after "such amounts for".

Page 153, after line 12, insert the following:

1 **PART C—GENERAL PROVISIONS**

2 **SEC. 241. TRANSITION.**

3 The Secretary shall take such actions as the Sec-
4 retary determines to be appropriate to provide for the or-
5 derly implementation of this title.

